

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SUNTRUST BANK as Trustee of)
the Stephens Mitchell Trusts f/b/o Eugene)
Muse Mitchell and Joseph Reynolds Mitchell,)
)
Plaintiff,)
)
v.)
)
HOUGHTON MIFFLIN COMPANY,)
)
Defendant.)
_____)

Civil Action File
No. 1:01 CV-701-CAP

SUPPLEMENTAL DECLARATION OF JOHN E. SITTER

DECLARATION

1. Following the submission of my Declaration dated March 28, 2001 ("First Declaration"), I have had the opportunity to further analyze the Character Names and Descriptions Chart ("Character Chart") and the Plot Summaries and Literal Copying Chart (collectively, the "Charts") attached by the Plaintiff to the Affidavit of Attorney Jessie Beeber and the instances of "copying" that they allege, and to find additional examples of how the use within *The Wind Done Gone* of certain elements of *Gone With the Wind* serves always to invert, ridicule, comment upon and parody Margaret Mitchell's novel.

2. At over one thousand pages, *Gone With the Wind* is a sprawling novel containing a vast number of characters, episodes, and lines of dialogue. The best known of these have become staples of American cultural reference. *Gone With the Wind* also spans three distinct periods-Antebellum, Civil War and Reconstruction, and many regard its depictions of these periods as an accurate portrayal of history. *The Wind Done Gone* adopts the long-accepted use of satirical parody in order to expose, criticize and ridicule the political and social myths contained in this panoramic and important novel. In doing so, *The Wind Done Gone* gives voice to a segment of society that in *Gone With the Wind* is consistently omitted, marginalized, or misrepresented. Given the scope of both its parodic intent and its parodic object, *The Wind Done Gone* could not effectively parody *Gone With the Wind* without making numerous allusions. Yet, remarkably, *The Wind Done Gone* creates a biting parody by

skillfully and selectively referencing only a small fraction of the characters, events, and descriptions in *Gone With the Wind*.

3. Each and every reference that *The Wind Done Gone* makes to *Gone With the Wind* is carefully chosen in order to parody *Gone With the Wind*. Indeed, with any fewer allusions to *Gone With the Wind*, *The Wind Done Gone* would be unable to as effectively accomplish its parodic purpose. For *The Wind Done Gone* to simply call *Gone With the Wind* to mind and then make no further allusions to it would fail to highlight which portions of *Gone With the Wind* it is commenting upon. By carefully selecting relatively few scenes, characters, and details, *The Wind Done Gone* focuses its criticism on the omissions and misportrayals in *Gone With the Wind* that it must address in order to create an effective parody. The portions of the Charts that point to actual parallels between *Gone With the Wind* and *The Wind Done Gone* (as opposed to parallels wholly invented by the Plaintiff, as discussed below) consistently do so by ignoring the transformative purposes of *The Wind Done Gone*'s allusions.

4. The very title "The Wind Done Gone" at once evokes the title "Gone With the Wind" with its elegiac associations of pre-Civil War innocence lost, and suggests, through its subtly different syntax and use of black dialect, that the former slaves' reaction to the passing of that era is different from that of the whites. (Charts at 1). Far from a mere copy of the title of the Mitchell novel, as the Charts suggest, the phrase "The Wind Done Gone" is itself a parodic transformation that prepares the reader for the additional transformations contained within the text.

5. *Gone With the Wind* tells the story of a complex social structure, full of subtle gradations and manifest power differentials, and of the households within it. In order to begin to parody the complex world of *Gone With the Wind*, *The Wind Done Gone* must allude to the characters and interrelationships that form the basis of that social structure. An allusion to only two or three characters from *Gone With the Wind* would not be sufficient to call up the relationships among the characters and the complex view of society they collectively convey.

6. *The Wind Done Gone* alludes only to those characters in *Gone With the Wind* most essential to its parody of *Gone With the Wind*'s social structure and the romanticized depiction of slaveholding society that pervades it. *The Wind Done Gone* then thoroughly transforms these characters. Like many parodies, *The Wind Done Gone* uses reversals—between black and white characters, major and minor characters, sympathetic and unsympathetic characters—in order to ridicule *Gone With the Wind*'s assumptions about power, race, gender, and identity. For example, as I indicated in the First Declaration (§10), the novel endows the stereotypical black characters in *Gone With the Wind* with agency, cunning, depth, and significance, while reducing the importance and effectiveness of the white characters.

7. The highly transformative nature of its characterizations requires *The Wind Done Gone* to include enough character references to allow readers to recognize the objects of its parody. Yet *The Wind Done Gone* chooses its allusions carefully and economically, evoking characters with strikingly few details. As the examples cited in the Charts demonstrate, *The Wind Done Gone* consistently alludes only to superficial attributes – physical characteristics, clothing and other external attributes or emblems

that allow for character identification but that do not themselves reveal character—and then thoroughly transforms and inverts the characters' internal psychology, motivations, or aptitudes. The result is that the characters in *The Wind Done Gone* are entirely different people in costume: they resemble *Gone With the Wind*'s characters only superficially, so as to allow the reader to recognize them as parodies of those characters.

8. *The Wind Done Gone* evokes Scarlett only to transform her significantly into Other, a marginalized character whom the reader eventually learns is part black. In doing so, *The Wind Done Gone* transforms even details such as Scarlett's black hair and vitality. In *The Wind Done Gone*, Other's hair is "raven," clueing in the reader to her black ancestry. (Character Chart, Charts at 1). And the reference to Other's vitality is wholly sarcastic: when Cynara says that Other "has the vitality, the vigor, and the pragmatism of a slave," (47) *The Wind Done Gone* is referring to (and ridiculing) *Gone With the Wind*'s portrayal of slaves as listless, lazy, and dull. The quote in the Charts thus indicates that Other is just the opposite of "vital." (Character Chart, Charts at 1). Similarly transformed by *The Wind Done Gone* are the two famous, formulaic phrases quoted in the Charts. The epithet "belle of five counties" and the famed formulation that men seldom recognized Scarlett's lack of beauty are rendered ironic not only by the fact that Other is black, but by the fact that she is neither a belle nor the object of male desire. (Character Chart, Charts at 1).

9. Scarlett is the proud romantic heroine of *Gone With the Wind* who clings to the fading plantation aristocracy. By contrast, Other, as her name suggests, is an unromantic, insignificant, drab character deliberately kept in the background of

The Wind Done Gone in order to function as counterpoint for Cynara's story of strength and self-revelation. I have already discussed one example of this transformation from Scarlett to Other in the First Declaration: the long and melodramatic description of Scarlett's dream in *Gone With the Wind* is reduced in *The Wind Done Gone* to a terse, unsympathetic, and satiric entry that concludes "Other never knew what she wanted, so she never had it even when she did." (First Declaration ¶9), (Charts at 11-13). Some other examples are:

- (a) Scarlett's jealous outrage at realizing that Rhett has been with Belle in *Gone With the Wind* becomes obliviousness in *The Wind Done Gone*: Other is "*absolutely confused*, confused as to why R. wasn't there. She believed it to have something to do with Beauty" (53). (Charts at 26).
- (b) In *Gone With the Wind*, Scarlett is the resilient Southern belle, radiant in billowing green; in *The Wind Done Gone*, Other's love of green clothing manifests the insignificance of her character: "Other loved green, because she was, or saw herself to be, an insignificant pretty living thing" (195). (Charts at 19).
- (c) The melodramatic and pivotal fact that Scarlett no longer loves Ashley in *Gone With the Wind* is entirely transformed in *The Wind Done Gone*. In *The Wind Done Gone*, Other does not fall out of love, but rather realizes that Dreamy Gentleman is unavailable because he is a homosexual: "[Other] saw, with her memory, what [Dreamy Gentleman] saw: a beautiful boy's face from long ago. The face of Miss Priss's brother...*For the very first time, Other saw it*" (53). (Charts at 25).

10. *The Wind Done Gone* also evokes Scarlett to criticize *Gone With the Wind*'s portrayal of the relationships between black slaves and white masters' children, which is epitomized in the Mammy-Scarlett relationship. (See First Declaration at ¶15). Some examples of this are:

- (a) Mammy calls Scarlett "Lamb" in *Gone With the Wind* as a simple endearment; *The Wind Done Gone* poignantly contrasts Mammy's use of "Lamb" for Other with her use of the harsher term "Chile" to refer to her own child. (Charts at 20).
- (b) In *Gone With the Wind*, a "proud, fond look" comes into Mammy's eyes as she compliments Scarlett's small waist ("Ain' nobody got a wais' lak mah lamb.") (Charts at 19). This affection is complicated in *The Wind Done Gone* by the implicit rivalry between Cynara and Other for Mammy's love: Cynara writes, "I stand a good three or four inches taller than she does. But her waist is smaller, Mammy used to tell me that." (41)
- (c) The image in *Gone With the Wind* of Scarlett running toward Mammy is sentimental; in *The Wind Done Gone*, the same image is used to highlight Cynara's jealousy and sarcasm. (Chart at 21).
- (d) *The Wind Done Gone* also transforms the relationship between Scarlett and Mammy redemptively. For example, *The Wind Done Gone* transforms the fact that women don't like Scarlett into Other's deliberate exclusion of other women in order to protect Mammy: "Other didn't like to have anyone around who made Mammy's life a misery, and it was the girls

close enough to demand intimate services that did the best job of that.”

(101). (Charts at 19).

11. *The Wind Done Gone* alludes to Rhett’s basic external attributes in order to evoke his character in the mind of the reader. Calling up the fact that Rhett was a war profiteer, blockade buster, and soldier is essential to suggest his roguish social status. (Character Chart, Charts at 2-3). The history of his relationship with Scarlett is similarly necessary to indicate one of his most essential characteristics—his way with women. The Charts try to parallel *The Wind Done Gone*’s “whiskey and leather, and horses, and a certain cologne, yes” (116) with *Gone With the Wind*’s smells of “brandy,” “tobacco,” “horses,” and “Macassar Oil.” (Charts at 33). These lists of smells do even not parallel each other, and to the extent they are analogous, they merely list with different terms stereotypical male smells associated with the Southern man who drinks, smokes, and rides horses. *The Wind Done Gone* sparingly conjures up Rhett, and then utterly transforms him: in *The Wind Done Gone*, R. marries Cynara, a slave whom he meets in a brothel, and Cynara leaves *him*. (First Declaration at ¶ 11(a), (e)). Throughout their relationship, Cynara’s perspective and judgment transforms allusions to Rhett in a parodic reversal of control and perspective. For example, R.’s father’s death is mentioned in *The Wind Done Gone* not to show R.’s reaction, but rather to facilitate the possibility that he might want to move *with Cynara* to Charleston, a detail with profound and pointed meaning because Cynara at the age of thirteen stood bare-breasted on the auction block in Charleston. (Charts at 24-25).

12. The details of Bonnie cited in the Charts are radically transformed in *The Wind Done Gone*'s depiction of Precious.

(a) The Charts note that Precious and Bonnie both wear a blue velvet riding habit, but the Charts omit the sentence that introduces the description of Precious in *The Wind Done Gone*. (Character Chart, Charts at 15). The full description reads: "She was just a nigger. Their baby was a high-yellow gal in a blue velvet riding habit." The sentence omitted from the Charts thus deliberately undercuts the image in *Gone With the Wind* of the darling little white girl, describing instead a light-skinned black girl (in *The Wind Done Gone*, Precious is part black because of her ancestry).

(b) The fact that Bonnie is afraid of the dark is brilliantly transformed in *The Wind Done Gone*. (Charts at 15). First, because of her black blood, Precious is literally afraid of the "dark" of her own blood. She is also afraid of the dark because her relatives have tried to whiten her during the night: "I know why Precious cried in the night. I remember finding the clothespin in her bed, the lemon oil on her elbows. I know all about whitening up..." (127)

13. *The Wind Done Gone* conjures up Melanie with a reference to one of her notable physical attributes, namely lack of figure. (Charts at 3-4). Melanie is then radically transformed into the very different character of Mealy Mouth. While Melanie is widely remembered as the heroic killer of a Union soldier, Mealy Mouth is the cold-blooded and very unheroic murderer of Miss Priss' brother. The allusions to Melanie that the Charts point to consistently show transformation:

- (a) The reference to Dreamy Gentlemen's hope that he and Mealy Mouth will produce "golden children that would resemble his beautiful cousin, resemble all his cousins, for they greatly resembled each other" is not a beautiful vision, as it is in *Gone With the Wind*, but rather a parody of the white desire to maintain racial purity in *Gone With the Wind*.
- (b) While Melanie's death in *Gone With the Wind* is tragic, Mealy Mouth's death in *The Wind Done Gone* is a satisfying event for some of the blacks. (Charts at 28). *The Wind Done Gone* suggests that Miss Priss kills Mealy Mouth in revenge for Mealy Mouth's murder of her brother: "Miss Priss was there both times Mealy Mouth gave birth, the time she died, and the time she almost died. Miss Priss scares me." (46).
- (c) Similar to *The Wind Done Gone*'s parodic portrayals of Other and Mammy's relationship, in the description of Mrs. Garlic and Mealy Mouth, the picturesque image of a "rosebud mouth" nursing at a dark nipple in *Gone With the Wind* is deromanticized as another part of the book's rueful emphasis on a black mother needing to favor white infants over her own. (Charts at 22). Moreover, *The Wind Done Gone* emphasizes what is omitted in *Gone With the Wind*, the beauty of the black woman: instead of the disembodied "dark nipple" in *Gone With the Wind*, *The Wind Done Gone* describes "the black moon in the brown breast, the curving back of the loving woman lifting the child to her pleasures..." (14)

14. In *Gone With the Wind*, Ashley's connection to Twelve Oaks and his connection to the long-forgotten "dream" world of chivalry are essential to his

character. (Character Chart, Charts at 3). Thus, the allusion to Twelve Oaks and the name “Dreamy Gentleman” conjure up his character with remarkable economy, and then become wholly ironic in the context of *The Wind Done Gone*. The novel transforms Ashley, the embodiment of the white Southern gentleman, into Dreamy Gentleman, a homosexual who has an affair with a slave. In addition, instead of being heir of the romantic Twelve Oaks, Dreamy Gentleman is heir of “Twelve Slaves Strong as Trees,” a plantation name that recognizes what *Gone With the Wind* refuses to acknowledge: the blood, sweat, and tears of the black slaves who built the house. (First Declaration at ¶13), (Charts at 28).

15. Like the other characters of *Gone With the Wind*, Gerald is conjured up with bare and essential details: he is Irish, rides horses, loves the land, and owns the plantation. (Character Chart, Charts at 4-5). These details then become elements of a caricature as *The Wind Done Gone* transforms Gerald into “Planter,” reducing his role as plantation owner to mere function, and portrays him as a powerless master who is controlled by a slave, Garlic, and has an affair with another slave, Mammy. And as further transformation of Gerald, *The Wind Done Gone* notes: “There was always something *African* [not Irish] about Planter, and Garlic was it. Even Planter’s love of the land had something African in it.” (Charts at 4-5, First Declaration at ¶13).

16. By referring to lemon verbena, *The Wind Done Gone* is able to evoke the character of Ellen with an emblem that allows the reader at particular points in the text to recognize her character from a single detail or phrase. (Character Chart, Charts at 22). This is as brief an allusion as an author can make. Yet even the reference to a detail as seemingly insignificant as verbena functions to comment critically on *Gone With*

the Wind. In *Gone With the Wind*, Scarlett connects her mother with the scent of lemon verbena, while in *The Wind Done Gone*, Cynara writes that Lady's verbena looked similar to another wild herb that was poisonous. Cynara thus invites the reader to consider the radical differences that may exist between things that may superficially appear similar, such as the worlds of *Gone With the Wind* and *The Wind Done Gone*.

17. The character of Ellen is radically transformed into *The Wind Done Gone's* Lady:

- (a) Ellen and Philippe's relationship is transformed into a relationship between Lady and Feelepe, who the reader discovers share the same black great-grandmother. (Charts at 16-18). As with Dreamy Gentleman and Mealy Mouth, *The Wind Done Gone* ridicules the fact that whites would marry cousins in order to assure white children: here there is a real probability that their children will appear "black."
- (b) Besides being black, Lady is consistently portrayed as a very different character from Ellen. As I discussed in ¶11(b) of the First Declaration, in *Gone With the Wind*, Ellen is compared to the Virgin Mary because of her saintliness; while in *The Wind Done Gone*, Lady is compared to the Virgin Mary because she is so sexually oblivious and intoxicated that she thinks her children have been conceived by "immaculate conception." (Charts at 23).
- (c) The focus of the scene in *Gone With the Wind* where Ellen cares for the poor, white sick is shifted in *The Wind Done Gone* from Ellen's compassion to Lady's black ancestry. (Charts at 23). In *The Wind Done*

Gone, this scene is alluded to only so that Lady can find an excuse to be alone with Cynara (“She took me on the pretense of needing someone to tote her things into the house”(136)). The emphasis in this scene is on Lady’s recognition of her black ancestry, not her compassionate and religious nature: just after the quote cited in the Charts, Cynara disparages her skin color, and Lady makes a “list of everything that was brown and beautiful in the world” (136) and afterward gives Cynara Feeleepe’s ring.

(d) It is necessary for *The Wind Done Gone* to refer to Lady’s death in order to establish the fact that Other is standing on her own. While Ellen dies from typhoid in *Gone With the Wind*, in *The Wind Done Gone* “Lady caught some fever, smallpox or *scarlett*, and died.” (42). (Charts at 29). This punning change in the cause of death perhaps implies that the racist world of *Gone With the Wind* as exemplified by the word “scarlett” is poisonous.

18. As I discussed in the First Declaration, Mammy is alluded to only in order to transform her from a selfless, loyal slave into a much more complicated and dangerous character. Even the most basic details about her character are transformed: in *The Wind Done Gone*, the reader discovers that “Mammy” in fact is not her name, and that her real name is actually Pallas. As discussed in the First Declaration, the fact that Mammy is like an elephant is offered very differently in the two novels (Character Chart, Charts at 4); the accuracy of her eulogy is completely undercut with “he knew nothing of her at all”; and the slaves ensure that she is buried next to Planter. (First Declaration ¶11(c), 11(d)). The following examples further demonstrate Mammy’s character transformation:

- (a) The allusion in *The Wind Done Gone* to Ellen and the convent is only to show Mammy's manipulation of Lady and her orchestration of Lady and Planter's marriage: "Mammy put the idea of the convent in one of Lady's ears and the idea of Planter in the other" (60-61). (Charts at 18).
- (b) The allusion to the boys' graves is wholly transformed when the reader realizes that Mammy probably killed the children in order to ensure Garlic's continued control of Tata. (Charts at 16). There is thus a dimension of defiance and vitality in Mammy's character that is the polar opposite of the loyal and selfless character of Mammy in *Gone With the Wind*.
- (c) The reference to the red petticoat in *The Wind Done Gone* is a classic example of allusion: it evokes for the reader the fact that the petticoat was a gift to Mammy from Rhett in *Gone With the Wind*, given to gain her friendship. The reader then realizes the vastly different implication of this gesture in *The Wind Done Gone*, where R. in fact *marries Mammy's daughter*. (Charts at 20).
- (d) Randall's phrase "a time of shawl-fetch slavery," which echoes the phrase "fetch my shawl" in *Gone With the Wind*, bitterly summarizes a period of domestic degradation and dehumanization, transforming though allusion the often humorous significance of "fetch my shawl" in *Gone With the Wind* and its suggestion that Mammy's servitude is somehow voluntary. (Chart at 21).

19. The shrill and foolish character of Prissy in *Gone With the Wind* is radically transformed by *The Wind Done Gone* into the dangerously clever Miss Priss, a character who "possessed a keen and labyrinthine intelligence" and about whom Cynara writes, "I don't think there's anything simple about her." (Charts at 7).

20. Pork is transformed from a comparatively simple character to Garlic, a masterful manipulator who eventually becomes the de facto master of Tata. *The Wind Done Gone* alludes to Garlic being won at a card game only in order to show Garlic's intelligence and craftiness: in *Gone With the Wind*, Pork was simply won at a card game, but in *The Wind Done Gone*, Garlic actually orchestrates this event. (Character Chart, Charts at 16). (The Pork-Garlic transformation is discussed extensively in the First Declaration, see ¶¶6, 9, 12, and 15 (discussing how Garlic actually gets shot defending the house (Charts at 24).) Thus, the detail of the watch that is given out of magnanimity to Pork is significantly transformed in *The Wind Done Gone*: Garlic is given this watch, and wears the watch, as a symbol of his carefully orchestrated ownership of Tata. (Charts at 24). In addition, while the watch is of huge consequence to Pork, to Garlic, it is small in relationship to what he already owns.

21. *The Wind Done Gone* uses the concise and critical detail of red hair, traditionally equated with sexual freedom, to evoke Belle in the mind of the reader. (Character Chart, Charts at 6). The Charts' claim that the adjective "waddling" in *The Wind Done Gone* copies the name "Watling" in *Gone With the Wind* is disingenuous, as it seeks to convert what at most would be a literary pun into copying. (Character Chart, Charts at 6). *The Wind Done Gone* transforms Belle into the very different character of Beauty: in *Gone With the Wind*, Belle is little more than a stereotype, the

proverbial "whore with a heart of gold." In *The Wind Done Gone*, Beauty is one of the more interesting white characters, of whom the narrator Cynara expressly says, "This whore had no 'heart of gold.'" In addition, Beauty to her credit has black characteristics: thinking about Beauty, Cynara realizes that "All women are niggers"(177). By evoking the fact that Belle sends her son away to school, *The Wind Done Gone* makes a deliberate parodic point. (Charts at 6). The Charts omit the sentences that immediately follow the quote from *The Wind Done Gone*, where Cynara writes: "I don't believe in that. Over the years I've tried to talk Beauty into bringing the boy back with her to live." The fact that Cynara tries to talk Beauty out of sending her child away ridicules the conception of *Gone With the Wind* that family does not matter to blacks, a conception used to justify separating slaves from their families.

22. Carreen in *Gone With the Wind* has a very minor role and, by being rejected by Scarlett's suitors, serves mainly as a foil against which Scarlett's superior charms can be shown. In *The Wind Done Gone*, however, Jeems reveals that the twins actually preferred Kareen to Other ("She was the one we really liked.") This episode thus provides yet another contrast between Scarlett and Other. In addition, the detail that Kareen is in a convent in Charleston is alluded to in *The Wind Done Gone* only to make that detail ironic because Kareen, unlike Carreen, is desirable, yet unavailable, to men. (Charts at 7-8). The fact that the convent is in Charleston must be preserved in order to effectively conjure up the setting for the parody of the work in which it is contained. To move the convent to New York or other settings would hardly do so.

23. In *Gone With the Wind*, Jeems is a shocking and stark example of the worthlessness of a slave's independent existence, since he is a mere "tenth birthday present" for the Tarleton twins. (Charts at 8-9). In *The Wind Done Gone*, by contrast, Jeems becomes independent (he drives his own horse and builds his own house), and he possesses a level of understanding about Other that the white characters do not, being aware, for example, that the twins actually preferred Kareen to Other.

24. Pitty Pat is invoked in *The Wind Done Gone*, as she must be, because she is one of the most virulent racists in *Gone With the Wind* (in addition to speaking fondly of the Ku Klux Klan, she says such things as "My dear, they want to let the darkies vote! Did you ever hear of anything more silly?" (561)). *The Wind Done Gone* invokes her to ridicule her, minimizing her character and inverting her name to the ludicrous "Patty Pit." (Charts at 32).

25. As the foregoing discussion demonstrates, *The Wind Done Gone* transforms elements of *Gone With the Wind* far too significantly for *The Wind Done Gone* to operate as a sequel of *Gone With the Wind*. For example, calling *The Wind Done Gone* a sequel of *Gone With the Wind* would necessarily assume that the characters in *The Wind Done Gone* are the same characters as those in *Gone With the Wind*: that is, that Scarlett and Ellen are black, Ashley is homosexual, Gerald is powerless and has African tendencies, and Pork is shrewd, cunning, and resourceful. This, of course, may seem absurd, precisely because the characters in *The Wind Done Gone* are not the same characters as those in *Gone With the Wind*. They are different characters that parody *Gone With the Wind*'s characters in order to ridicule the presumptions and omissions in those characterizations.

26. In order to parody *Gone With the Wind*, *The Wind Done Gone* must also attack its widespread influence, over the last 65 years, on the popular conception of Southern history. *Gone With the Wind* is a work of fiction, but it is also an important historical phenomenon, and it has greatly influenced Americans' views on race relations and the country's history.

(a) The tragedy of the war from the white Southerners' point of view must be evoked in order for *The Wind Done Gone* to present the black point of view. Thus, *The Wind Done Gone* alludes to the deaths of the twins in order to powerfully comment on this limited viewpoint. While the deaths are tragic for the white characters of *Gone With the Wind*, and Gettysberg serves as an emblem of that tragedy, the feelings of the black characters are different, and *The Wind Done Gone* deliberately undercuts the sorrow in *Gone With the Wind* with the cruel fact that "Jeems was their tenth birthday present. He was ten too." (69) (Charts at 8-9). Indeed, from one perspective, the twins' deaths and the battle of Gettysberg are both necessary to liberate Jeems. The significance of those deaths and that battle are necessarily transformed when viewed from the perspective of the former slaves. Cynara writes, "I wonder what [Jeems] would have been if the Twins had survived the war. Something less." (66)

(b) For the South portrayed in *Gone With the Wind*, one of the most bitter memories of Northern occupation was the mistreatment of women and land by the Union soldiers, and the killing of the Union soldier in *Gone With the Wind* is therefore presented in some sense as heroic. It is essential for *The*

Wind Done Gone to evoke the killing of the Union soldier in order to present a different perspective: Cynara describes the scene in one curt and chilling sentence, which is unsympathetic to the three women. (Charts at 14).

- (c) *The Wind Done Gone*'s portrayal of the sparing of Tata during Sherman's march parodies the utter relief and joy in *Gone With the Wind*'s portrayal of the sparing of Tara. (Charts at 30). As I mentioned in the First Declaration, Tata is still standing only because of the cleverness of a slave: Garlic. In addition, the fact that Tata remains is not necessarily a relief; rather, the chivalry, white cotton, and red land are painful facts that linger in Cynara's memory.

27. There are a handful of famous scenes or phrases in *Gone With the Wind* that most readers are likely to remember sentimentally. Through these scenes especially, *Gone With the Wind* lives on as a cultural icon. To parody *Gone With the Wind*, *The Wind Done Gone* must point to at least a few of these famous details in order to hold up for critical scrutiny the novel as it is inscribed in the public mind. *The Wind Done Gone* briefly and brusquely evokes a few such iconic scenes and phrases in the course of its parody, thereby challenging the reader's uncritical acceptance of *Gone With the Wind*. Some of the ways in which *The Wind Done Gone* parodies these are as follows:

- (a) The famous last line of *Gone With the Wind* ("After all, tomorrow is another day") is transformed into "For all those we love for whom tomorrow will not be another day, we send the sweet prayer of resting in

peace." (Charts at 1). The line in *Gone With the Wind* concludes the novel with the hope that Scarlett in particular can forget the past and move on. The line in *The Wind Done Gone*, by contrast, is a haunting reminder of the collective memory of the slaves.

(b) The staircase (Charts at 13), the vase (Charts at 10), and "my dear, I don't give a damn" (Charts at 11), are three of the most memorable moments in *Gone With the Wind* and in Rhett and Scarlett's relationship, and so any effective parody would almost necessarily have to reference them in some way. The romantic and serious drama of these scenes in *Gone With the Wind*, and in the public consciousness, is parodied in *The Wind Done Gone* by the fact that they become mere background for R.'s relationship with and marriage to Cynara. The dramatic insignificance of these moments in *The Wind Done Gone* parodies the sentimental and romantic aspects of *Gone With the Wind*.

28. The Charts, along with the Plaintiff's statement that "details are taken in order to give more color and detail to 'The Wind Done Gone,' not to comment upon social issues," are misleading in several respects. First, as I discussed in the First Declaration and as I have discuss in detail in above, *The Wind Done Gone's* allusions to elements of *Gone With the Wind* are uniformly for the purpose of commenting on social issues. Second, many instances of purported copying in the Charts simply do not bear scrutiny as copying or parallel use in the first place. In their strained efforts to find copying, the Charts repeatedly either omit crucial sentences that undermine an alleged parallel, or include irrelevant passages in apparent attempts

to make more of a “parallel” than is warranted. I have included several examples of these in the First Declaration: ¶8 discusses the Charts’ attempts to connect a scene in *Gone With the Wind* where Scarlett slaps Prissy with a scene in *The Wind Done Gone* where it is Cynara who only considers slapping Miss Priss; ¶11(a) discusses the attempt to link Rhett’s statement “I’m not a marrying man” with Cynara’s statement “I’m not the marrying kind” (Charts at 11); ¶11(d) discusses the omission of the concluding sentence “He knew nothing of her at all,” which wholly undercuts Dreamy Gentleman’s sentimental eulogy (Charts at 27); and ¶12 discusses those Charts’ omission of crucial sentences indicating that Garlic was the designer and architect of Tata (Charts at 32). Some additional instances where the Charts are misleading in this way include:

- (a) The Character Chart cites “shrill” and “foolish” in *Gone With the Wind*’s descriptions of Prissy and “so shrill, so silly” in *The Wind Done Gone*’s descriptions of Miss Priss, but omits the first clause of the *The Wind Done Gone* description. The whole description reads “so insignificant-seeming, so shrill, so silly,” clearly referring to Miss Priss’ feigned behavior and how she appears to unknowing whites. Although later in the Plot Summaries chart this clause is included, only “shrill” and “silly” are bolded, again with misleading effect. (Character Chart, Charts at 7).
- (b) The Charts try to draw a parallel between *Gone With the Wind*’s “She might have been any age” and the statement in *The Wind Done Gone*’s that Mrs. Garlic had “a kind of beauty that grew with age,” but the two quoted phrases are not at all similar. (Character Chart, Charts at 6). (The former suggests the stereotype that it is difficult to tell the black characters’ ages,

while the latter describes a beauty that develops over time.) The Charts then proceed to link two statements that offer opposite descriptions: *Gone With the Wind* states that Dilcey is a woman with “dignity that surpassed even Mammy’s,” while *The Wind Done Gone* states that Mrs. Garlic’s “stature” is “second to Mammy, a shadow echo of a greater strength.” (Character Chart, Charts at 6).

- (c) In *Gone With the Wind*, Scarlett throws a rosebowl at Ashley, an event that is lightly referenced in *The Wind Done Gone*. The Charts, however, claim that Cynara bumping into a sideboard causing a bon-bon dish to fall is a parallel. (Charts at 10). These events are completely different.
- (d) In *Gone With the Wind*, Scarlett drinks from a brandy bottle that she hides in her bureau beneath her underwear. In *The Wind Done Gone*, Cynara drinks from a bottle in Other’s dining room sideboard. These events are different. (Charts at 33).
- (e) The Charts make much of what they describe as Scarlett “looking down the road.” (Charts at 26-27). Yet the examples cited are at most faint allusions, different in both substance and verbal detail. In *The Wind Done Gone*, in a climactic and romantic scene, Scarlett looks down a road for Rhett because, after all of their turmoils, she finally realizes that she really loves him. None of this drama, and hardly any of this subject matter, is found in the brief and sarcastic statement in which Cynara, after explaining that R. could not attend Mammy’s funeral because Cynara was there, describes how this circumstance left Other looking hard down the road for R. In the

next supposed “parallel” of “looking down the road,” the Charts quote lines from *Gone With the Wind*’s descriptions, which occur over the course of several pages, of how Scarlett and Melanie “watched” men come “up their walk” as they wait for Ashley’s return. Again with little resemblance, *The Wind Done Gone* describes in one sentence the fact that Other “looked hard down the road” after the war. These are not significant parallels.

29. In one instance, the Charts go so far as to suggest that *The Wind Done Gone*’s use of a common proper name amounts to “copying” when they allege that “ironclad oath” in *The Wind Done Gone* copies “Iron Clad oath” from *Gone With the Wind*. (Charts at 31-32). “Ironclad oath,” however, is a historical proper name, defined by the Oxford English Dictionary as “an oath characterized by the severity of its requirements and penalties; esp. applied to the rigorous oath required by the United States Government from certain official and other persons after the civil war of 1861.” “Ironclad oath” is not a term invented by *Gone With the Wind*: it is simply a historical term. Similarly, the “avenue of trees” is a common idiom in landscape architecture that merely describes the tree-lined approaches that are common to plantations and country houses. (Charts at 32).

30. As with any carefully constructed, complex literary parody, *The Wind Done Gone* is open to more than one interpretation, and I expect that other careful readers would likely find additional or different parodic elements in *The Wind Done Gone*. The foregoing by no means discusses all of the parodic elements of *The Wind Done Gone*, nor is it intended to provide an exhaustive analysis of how the parodic elements operate.

This declaration (including the information in Exhibit A attached) is true and correct. I make this declaration under penalty of perjury. This 12th day of April, 2001.

John E. Sitter

John E. Sitter, Ph.D.